



# City of Santa Barbara

## PLANNING COMMISSION MINUTES NOVEMBER 16, 2017

1:00 P.M.  
City Hall, Council Chambers  
735 Anacapa Street  
[SantaBarbaraCA.gov](http://SantaBarbaraCA.gov)

### COMMISSION MEMBERS:

Jay D. Higgins, *Chair*  
Lesley Wiscomb, *Vice Chair*  
John P. Campanella  
Mike Jordan  
Sheila Lodge  
Deborah L. Schwartz  
Addison Thompson

### STAFF:

N. Scott Vincent, Assistant City Attorney  
Beatriz Gularte, Senior Planner  
Kathleen Goo, Commission Secretary

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## CALL TO ORDER

Chair Higgins called the meeting to order at 1:00 p.m.

## I. ROLL CALL

Chair Jay D. Higgins, Commissioners John P. Campanella, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson

Absent: Vice Chair Lesley Wiscomb

## STAFF PRESENT

N. Scott Vincent, Assistant City Attorney  
Beatriz Gularte, Senior Planner  
Allison De Busk, Project Planner  
Megan Arciniega, Associate Planner  
Kathleen Goo, Commission Secretary

## II. PRELIMINARY MATTERS

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items:

No requests.

B. Announcements and appeals:

Ms. Gularte announced the December 12, 2017 appeal to City Council of the Airport Master Plan EIR. Commissioner Thompson volunteered to represent the Planning Commission at the meeting.

- C. Review, consideration, and action on the following draft Planning Commission minutes and resolutions:

1. October 19, 2017

**MOTION: Lodge/Schwartz**

Approve the minutes as amended.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1

- D. Comments from members of the public pertaining to items not on this agenda:

No public comment.

**III. CONSENT ITEM**

**ACTUAL TIME: 1:04 P.M.**

**APPLICATION OF NANCY BROCK, OWNER, 1909 EL CAMINO DE LA LUZ, APN 045-100-022, E-3/S-D-2 (ONE-FAMILY RESIDENTIAL AND COASTAL OVERLAY) ZONES, LOCAL COASTAL LAND USE PLAN DESIGNATION: RESIDENTIAL - 5 UNITS PER ACRE (MST2017-00464)**

The proposed project involves the prior removal of eight trees (Monterey Cypress and Monterey Pines), the prior planting of approximately 55 Lemonade Berry shrubs, and the future removal of six trees (Monterey Cypress and Aleppo Pines) on a coastal bluff on a 0.86-acre residential parcel. Three additional ornamental trees located north of the bluff were also removed and are part of the permit request. No additional development is proposed. The project would address violations identified in enforcement case ENF2016-00802.

The discretionary application required for this project is a Coastal Development Permit (CDP2017-00005) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15304 (Minor Alterations to Land).

Contact: Allison De Busk, Project Planner  
Email: [ADeBusk@SantaBarbaraCA.gov](mailto:ADeBusk@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 4552

**MOTION: Lodge/Jordan**

Waive the Staff Report.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Wiscomb)

Public comment opened at 1:05 p.m.

A staff memorandum addressing public correspondence in opposition from Norbert Dall on behalf of Emprise Trust and Luz Trust was acknowledged.

Public correspondence in support from Kim & Joe Finegold was acknowledged.

Public correspondence in opposition from Norbert Dall on behalf of Emprise Trust, and on behalf of Luz Trust were acknowledged.

Mr. Vincent summarized for the Commission the public correspondence from Norbert Dall on behalf of Emprise Trust, and public correspondence on behalf of Luz Trust, and due to lack of substantiating evidence or clear and precise identifying documentation and photographic details, potential evidence of a pathway either before or after adoption of the Coastal Act could not be corroborated or evaluated by staff, and it was therefore determined that the categorical exemption is appropriate at the site location.

Ms. De Busk further clarified for the Commission the public correspondence from Norbert Dall, and stated that enforcement staff investigated the original complaint related to the stairs and tree removal, including 1977 documents identifying improvements along the bluff, and concluded that the identified stairs likely existed prior to 1976 and there was no new construction. Additionally, the original plans for the house from 1948 appear to identify a path down the bluff. Therefore, only the tree removal was included in the enforcement action.

Public comment closed at 1:12 p.m.

**MOTION: Thompson/Schwartz**

**Assigned Resolution No. 018-17**

**Approve the project, making the findings for the Coastal Development Permit (CDP2017-00005) as outlined and conditioned in the Staff Report dated November 9, 2017, with the clarifying revision to the Conditions of Approval.**

1. In reference to Exhibit A, I-A, the Approved Development condition shall reflect only the trees identified in the staff report, instead of trees mentioned as "past and future."

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1

The ten calendar day appeal period was announced.

**\* THE COMMISSION RECESSED FROM 1:21 TO 1:33 P.M. \***

**I. STAFF HEARING OFFICER APPEAL**

**ACTUAL TIME: 1:33 P.M.**

**APPEAL BY FRANK ROGUE OF THE STAFF HEARING OFFICER'S DECISION ON THE APPLICATION OF FRANK ROGUE, APPLICANT FOR TERI TUASON, PROPERTY OWNER, 601 ALAMEDA PADRE SERRA, APN 031-261-004, R-2 TWO-FAMILY RESIDENTIAL ZONE, GENERAL PLAN LAND USE PLAN DESIGNATION: MEDIUM HIGH RESIDENTIAL (MST2014-00422)**

On September 13, 2017, the Staff Hearing Officer approved a lot area modification and an open yard modification associated with the construction of a new residential unit; however, the requested front setback modification was denied. The decision of the Staff Hearing Officer to deny the front setback modification has been appealed by the applicant. This hearing is for the Planning Commission to consider the appeal.

The proposed project consists of a new attached 1,193 square foot, three-story affordable dwelling unit and a 523 square foot, two-car attached garage on a 7,405 square foot lot. There is currently an existing 1,759 square foot, two-story single-family dwelling with an attached 400 square foot, two-car garage, which would be altered to remove a fireplace and add a 345 square foot rooftop deck.

The project also includes changes to the existing perimeter wall in the right-of-way, which requires approval by the Public Works Department for an encroachment permit, and the removal of a setback tree, which was previously reviewed and approved by the Parks Department.

The discretionary applications required for this project are:

1. A Lot Area Modification to allow a second unit in a R-2 Zone with less than the required lot area for lots with 10-20% slopes (SBMC §28.18.075.F and §28.92.110);
2. A Front Setback Modification to allow substantial exterior alterations (i.e., roof change and second-unit addition) to the existing nonconforming residence within the required setback along Alameda Padre Serra, as well as encroachment of a new second-floor balcony on the proposed second unit (SBMC §28.87.030.D and §28.92.110); and
3. An Open Yard Modification to allow less than the required open yard area (SBMC §28.18.060.C and §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15183.

Contact: Megan Arciniega, Associate Planner  
Email: [MArciniega@SantaBarbaraCA.gov](mailto:MArciniega@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 7587

Megan Arciniega, Associate Planner, gave the Staff presentation.

Frank Rogue, Designer, gave the Appellant presentation, and was joined by Teri Tuason, Owner.

Public comment opened at 1:56 p.m.

b.j. Denetra, representing six local neighbors, spoke with concerns regarding the size of the addition modification, and the design located in the setback that was submitted in 2014 without staff support and persistently pursued by the applicant without any compromises despite ABR

requests for new drawings, design revisions, and neighbor requests to scale down the addition. She requested the applicant scale down the addition and leave some open yard on the property, and for the Commission to not approve the front setback modification.

Public correspondence in opposition from Marc and Sema Gamson, Victoria Valente, Debra Gorackowski, and Trudi and Bruce Ramsey were acknowledged.

Public comment closed at 1:59 p.m.

Public comment opened again at 2:20 p.m.

Teri Tuason, Owner, clarified her request for the tower element and balcony, entryway, and generally improved design, and commented she has complied with most of the requested Architectural Board of Review (ABR) changes.

Public comment closed again at 2:23 p.m.

**MOTION: Jordan/Lodge**

**Assigned Resolution No. 019-17**

**Deny the appeal and uphold the decision of the Staff Hearing Officer to deny the requested roof alterations and the tower element intrusion into the front setback, subject to design approval by the Architectural Board of Review, as outlined in the Staff Report dated November 9, 2017.**

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Wiscomb)

**MOTION: Jordan/Lodge**

**Uphold the appeal of the front setback modification thereby overturning the decision of the Staff Hearing Officer to allow changes to the exterior characteristics of the non-conforming structure to allow for attachment of a second unit, and encroachment of the second-floor balcony element (space and location) into the front yard setback, as long as it does not intrude any more than shown on the existing plans and subject to design approval by the Architectural Board of Review.**

Said approval is subject to the original Conditions of Approval contained in Staff Hearing Officer Resolution No. 061-017, dated September 13, 2017.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 0 Absent: 1 (Wiscomb)

The ten calendar day appeal period was announced.

**\* THE COMMISSION RECESSED FROM 2:55 TO 3:06 P.M. \***



**II. NEW ITEM****ACTUAL TIME: 3:06 P.M.****APPLICATION OF ED DEVICENTE, ARCHITECT FOR PROPERTY OWNER JOHN DEWILDE, 113, 115, AND 117 WEST DE LA GUERRA STREET, APN 037-082-027 AND 037-082-003, C-G COMMERCIAL GENERAL ZONE, GENERAL PLAN LAND USE DESIGNATION: COMMERCIAL HIGH RESIDENTIAL (MST2015-00626)**

Proposal for a 23-unit mixed-use project to be developed under the Average Unit-Size Density (AUD) Incentive Program on two parcels known as 113-115 W. De La Guerra Street (APN 037-082-027) and 117 W. De La Guerra Street (APN 037-082-003). The building at 113 W. De La Guerra Street is on the City's Potential Historic Resources List, eligible as a Structure of Merit: W.D. Smith Building, constructed in 1928. The project proposes the demolition of two existing 1,113 and 923 square foot commercial buildings, two outdoor patios, 15 surface parking spaces, and the near complete demolition of the historic W.D. Smith Building, which is a 4,455 square foot commercial building, of which the historic façade and tile roof would be preserved.

The project proposes to construct a 19,767 square foot, three- and four-story mixed-use building that includes 16,907 square feet of residential area, 1,162 square feet of commercial area, and 1,698 square feet of circulation area. Twenty-six parking spaces would be provided in an at-grade parking garage. The residential component comprises 23 residential units with an average unit size of 735 square feet and a unit mix of studios, one-bedroom, and two-bedroom units. The two parcels have a General Plan Land Use designation of Commercial/High Residential (28-36 du/ac)/Priority Housing Overlay (37-63 du/ac). The proposed density on the lots totaling 16,273 net square feet would be 62 units per acre. One existing Queen Palm in the right-of-way is proposed to be relocated. The project will require a voluntary lot merger.

This project requires Planning Commission Conceptual Review because the combined lot size is more than 15,000 square feet and the project is being proposed under the AUD Incentive Program Priority Housing Overlay. The purpose of this hearing is for Planning Commission and the public to review the proposed project design and provide the applicant, staff, and the Historic Landmarks Commission (HLC) with comments on the proposed improvements, design, and General Plan consistency (SBMC §28.20.080).

Contact: Megan Arciniega, Associate Planner  
Email: [MArciniega@SantaBarbaraCA.gov](mailto:MArciniega@SantaBarbaraCA.gov)

Phone: (805) 564-5470, ext. 7587

Megan Arciniega, Associate Planner, gave the Staff presentation.

Edward De Vicente, Architect, gave the Applicant presentation, and was joined by Ryan Mills, Architect, and Katie Klein, Landscape Architect.

Public comment opened at 3:43 p.m.

**The following people spoke in opposition or with concerns:**

1. Gayla Visalli, adjacent neighbor, spoke of concerns regarding compatibility of the proposed project, the attempt to sandwich a massive building between two other large buildings, and impacts to loss on natural light, open space, and diminished quality of life for the neighborhood.
2. Ann Sullivan, adjacent neighbor, spoke in opposition regarding the size, bulk, height, and scale, stating this is a zero lot line project that is much larger than its neighbors, creating

privacy concerns, loss of natural light, and loss of view. She also stated that prior Historic Landmark Commission comments indicated concern for the neighbors to the south, and the proposed massive size being inappropriate for the neighborhood.

Public correspondence in opposition from Mats and Agneta Wahlstrom, and Steve Hausz, Historic Landmarks Commissioner, were acknowledged.

Public comment closed at 3:52 p.m.

Commissioner comments:

Commissioner Jordan:

1. Most of the design concerns still have to be worked out at the Historic Landmarks Commission (HLC).
2. Concurred specifically with the HLC comment on the possibility of losing some units to expand opportunities of natural light and air.
3. Parking provided should be for only one or two cars, as additional street parking in an already dense neighborhood is not practical or compatible for this downtown area.

Commissioner Thompson:

1. Ideal project for the particular property and what the AUD program envisioned as it is located close to amenities in the downtown area, and overall a good project.
2. Reviewing the north elevation, he concurred with Mr. Hausz's comments that the new structure overwhelms the historic structure façade that should be preserved, and the project should step back further from the property line to break up the massing of the project when viewed together with the looming adjacent properties.
3. Further revision of the design is needed, and the height needs to be reduced, particularly in mass and height.

Commissioner Lodge:

1. Concurred with Commissioner Thompson's comments that the new structure overwhelms the historic structure façade and the project should step back further from the property line to break up the massing, and with Mr. Hausz's comments made at the HLC meeting.
2. The fourth floor should be removed from the design of the proposed project to allow for more natural air and light, as sunlight would not hit the courtyard until mid-day, and because it overwhelms the one-story cottage complex behind the project.
3. When the adjacent Paseo Chapala building's balcony spaces and views were reviewed in the past, she did have reservations about someone building next door, but if the project was all residential instead of mixed-use, setbacks would be required that would improve the project and make it much more livable.
4. Read the adjacent neighbor's letter of concern regarding the blocking of access to natural light and air to her unit, and the architect for the project stated that there would be changes made to the project to address the issue and correct the problem.
5. Although the proposed architectural design is very attractive, she recommended the project be reduced in mass, bulk, and scale.

Commissioner Schwartz:

1. Even though private views are not within the Commission's purview, the good neighbor policy is codified within the guidelines to be sensitive and try to influence design to

- improve neighbor-to-neighbor access to natural light, air, view sheds, and privacy issues, especially within the dense urban environment of the downtown area.
2. Study incorporating green building and also solar opportunities within the the roof form design and layout to incorporate solar calculations and panel placement per the Solar Ordinance requirements.
  3. The project is on the right path for a mixed-use project, is consistent with the goals of the General Plan, and appears to be within the requirements for mass, size, bulk, and scale, but this should be reviewed and discussed with the HLC.
  4. Applicant should restudy the style and orientation of the adjacent buildings to address the visual uniformity of zero lot-line issues and offset of window alignment to observe the good neighbor policy and privacy concerns of adjacent neighbors, and to improve the visual aesthetics of the property.
  5. Most downtown residents made a personal choice to live within the dense neighborhoods of the downtown area and should accept the mix of advantages of living downtown, like close amenities, and the downsides, such as proximity, privacy, noise, parking, etc.
  6. The unit mix seems to be appropriate for the proposed project and location.
  7. The simplest solution would be to reduce the proposed height of the project, but this should be restudied at HLC for a more practical solution to address the stylistic design beyond the generic issues of mass, bulk, and scale for a more creative solution.

Chair Higgins:

1. Appreciated the architectural theme and design for a project moving on the right track.
2. Provide a better presentation exhibit to show neighbor-to-neighbor conflicts of the adjacent building and spacing.
3. Adding a fourth level is not the best recommendation and could be viewed as "padding" a project. The creation of additional parking in an already dense neighborhood is not practical or compatible for the downtown area.

By majority vote, the following straw poll votes were taken by the Commission:

Straw poll: How many Commissioners can support the proposed project's consistency with goals/policies of the General Plan for the Land Use Element, Historic Resources Element, and Environmental Resources Element?

Ayes: 6 Noes: 0 Passed

Straw poll: How many Commissioners can support or find the proposed project's size, mass, bulk, height, and scale to be appropriate for its location and neighborhood?

Ayes: 5 Noes: 1 Passed

**Concept review with comments made by the Planning Commission unanimously supporting the consistency with the General Plan and generally in support of the size, bulk, and scale, with some revisions.**

### **III. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 4:35 P.M.**

A. Committee and Liaison Reports:





1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported the Staff Hearing Officer and Water Commission meeting cancellations, and announced the Transportation Circulations Committee meeting tonight at 7:00 p.m., regarding the Las Positas separated and protected bike lane from Modoc Road to Cliff Drive.

2. Other Committee and Liaison Reports

- a. Commissioner Schwartz reported on the Local Coastal Plan Update Open House Public Meeting held on November 11, 2017.
- b. Commissioner Schwartz reported on Reimagining the State Street Underpass project meeting held on November 15, 2017.
- c. Commissioner Schwartz reported on the Annual Radius Real Estate Economic Forecast breakfast held on November 1, 2017.
- d. Commissioner Lodge reported on the November 15, 2017 meeting of the Historic Landmarks Commission.

IV. **ADJOURNMENT**

Chair Higgins adjourned the meeting at 4:43 p.m.

Submitted by,

  
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Kathleen Goo, Commission Secretary